

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF SEPTEMBER  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

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**WRIT PETITION NO : 24765 of 2004**

Between:

- 1 R.Raju, s/o R.Sammaiah,  
in Aided Saraswathi High School, Warangal.
- 2 V.Veenarani, d/o Narasingarao,  
Working as Secondary Grade Teacher in Aided Sarawathi  
High School, Warangal.
- 3 V.K.Saraswathi, d/o V.K.Venkataiah,  
Working as Secondary Grade Teacher in Aided Saraswathi  
High School, Warangal.
- 4 P.Ravindhar, s/o Narsinga Rao,  
Working as Secondary Grade teacher in Aided Saraswathi  
High School, Warangal.
- 5 R.Mitra, d/o Devadhanam,  
Working as Secondary Grade Teacher in Aided Saraswathi  
High School, Warangal.

..... PETITIONERS

**AND**

- 1 The Regional Joint Director of School Education,  
Warangal.
- 2 District Education Officer, Warangal.
- 3 The Deputy Educational Officer, Warangal.
- 4 Dr.V.Malleswar, Aided Saraswathi High School,

Warangal, rep., by its Secretary and Correspondent.

...RESPONDENTS

**ORAL ORDER:**

The petitioners, five in number, are working as Secondary Grade Teachers in the fourth respondent-school with effect from 17.06.2003, 18.06.2003, 20.06.2003, 29.08.2003 and 29.08.2003 respectively. Their commencement of active service in the fourth respondent-school was pursuant to a process of selection as provided in G.O.Ms.No.1 Education dated 01.01.1994, which set out the statutory rules governing, *interalia*, the method of appointment to the post of teachers in aided educational institutions. There was also government representative on the selection board which interviewed the petitioners and other candidates. The selection committee after the selection had advised the correspondent of the fourth respondent-school to issue necessary appointment orders to the selected candidates and obtain approval of the competent authority for such appointment, as laid down in G.O.Ms.No.1. The management, without reference to the relevant rules issued in G.O.Ms.No.1, issued appointment orders to the petitioners forthwith after the selection and consequently the petitioners started attending to duties with effect from the dates mentioned above. Thereafter, the management sent up proposals for approval of the petitioners' selection to the competent authority viz. the first respondent herein. Eventually, the first respondent by the order dated 25.02.2004, informed the management that it is not possible to consider approval of the appointment of the petitioners with

effect from the initial dates of their joining the service, as the appointment orders issued to them by the management, without prior approval of the competent authority, were no appointments in the eye of law and that the appointment orders to the petitioners could have only been issued after approval by the competent authority.

It is the admitted case of the petitioners that their appointments and selections have been approved by the competent authority, but they would lose their service seniority and other benefits as a consequence of the stand taken by the first respondent in the order dated 25.02.2004.

It is not in dispute that the relevant Rules issued in G.O.Ms.No.1 mandate that a selection made by the appropriate selection committee as ordained in the said Rules can legitimately result in an appointment only after the selection is approved by the competent authority, as required under Rule 12(9) of the Rules issued in G.O.Ms.No.1. The appointment orders issued in favour of the petitioners by the management, without the approval of the competent authority, are therefore, not regular orders of appointment, entitling the petitioners either to seniority or salary out of the grant-in-aid, with effect from the dates of the initial orders of appointment. The selection of the petitioners having now been approved, the petitioners' appointments/seniority and all other benefits will be liable to be calculated from the date of approval of their selection by the first respondent. This is what the first respondent has stated in his order, dated 25.02.2004 and correctly.

The order suffers from no infirmity and the petitioners are not entitled to any relief. The writ petition is accordingly dismissed. No costs.

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08-09-2005

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